THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :27136 of 2007

DATED:20-12-2007

BETWEEN:

Machala Raja Rao & 3 others.

..... PETITIONERS

AND

The Revenue Divisional Officer,
Amalapuram,
East Godavari District & another.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in interfering with the possession of the property of the petitioners in an extent of Ac.0.89 cents in S.No.435; Ac.2.50 cents in Sy.No.435; Ac.2.50 cents in Sy.No.436; and Ac.2.37 cents in Sy.No.463 of Cheyyeru village of Kantrienikona mandal, East Godavari District without passing any orders or recourse to law having received the notice, dated 08-10-2007, issued by the petitioner, as illegal, and arbitrary.

3. It is the case of the petitioners that the above mentioned lands are neither assigned lands nor Government poramboke, but they are patta lands and therefore, the provisions of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act') are applicable. It is stated that even if the said lands are required for public purpose unless due process of law is followed, petitioners cannot be dispossessed.

4. Having regard to the facts and circumstances, without expressing any opinion regarding the merits of the case; nature of the land; and title of the petitioners, 2nd respondent is directed not to dispossess the petitioners without following due

process of law.

5. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

20th December, 2007.

Note:

Furnish C.C. of the order within one week.

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